

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRUSTEES OF THE OPERATING
ENGINEERS PENSION TRUST,

Plaintiff,

v.

TERESA RUIBAL, an individual, and
JACOB MCALESTER, an individual,

Defendants.

Case No. CV 15-02543-GHK (JEM)

JUDGMENT

The Motion of Plaintiff, Trustees of the Operating Engineers Pension Trust ("Trustees"), for Default Judgment and for Discharge as a Stakeholder in the interpleader action presently pending before this Court and for reasonable attorneys' fees and costs was heard on July 7, 2015, at 10:00 a.m., before the Honorable John E. McDermott, United States Magistrate Judge.

After full consideration of Plaintiff's Motion for Default Judgment and Discharge of Stakeholder and for Attorneys' Fees and Costs, and the authorities submitted by counsel,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

(1) The Complaint for Interpleader, filed by the Trustees in this action, is proper and the Complaint states an adequate case in interpleader.

1 (2) The Plaintiff's Motion for Default Judgment and for Discharge of Stakeholder and
2 for Attorneys' Fees and Costs is GRANTED. Default Judgment is entered against Teresa
3 Ruibal ("Ruibal"). The Trustees are awarded \$9,360.00 for attorneys' fees and \$729.25 for
4 costs, which shall be deducted from the benefits awarded to the designated beneficiary.

5 (3) Johnnie R. McAlester ("McAlester") was a participant in the Operating Engineers
6 Pension Trust ("Trust") from September 1978 until his death on January 25, 2014.

7 (4) The Designation of Beneficiary form, dated January 16, 2014, submitted to the
8 Trust in May 2014 by Teresa Ruibal is invalid because it has been altered.

9 (5) The remaining benefits payable from the Trust on McAlester's account shall be paid
10 to McAlester's designated beneficiary.

11 (6) Jacob McAlester ("Jacob") is deemed to be the sole designated beneficiary on
12 McAlester's account with the Operating Engineers Pension Trust with respect to one hundred
13 percent (100%) of the remaining monthly benefits payable on McAlester's account, subject to
14 adjustments set out in paragraph 8 below.

15 (7) The Trust is awarded attorneys' fees of \$9,360.00 and costs of \$729.25, incurred by
16 the Trust in bringing this interpleader action, and such fees and costs shall be deducted from
17 the pension benefits payable on McAlester's account prior to the Trust making any payments
18 directly to Jacob. From February 1, 2014, through July 31, 2015, the Trust withheld pension
19 benefits in the amount of \$12,194.00, payable on McAlester's account. The amount of
20 \$10,089.25 shall be deducted from the withheld pension benefits and retained by the Trust
21 and applied to the Trust's attorneys' fees and costs. The balance of \$2,104.75, from the
22 withheld funds, shall be paid to the designated beneficiary.

23 (8) Beginning the first month after the Court enters Judgment and the amounts set forth
24 in paragraph 7 herein above are paid, the Trust shall pay Jacob one hundred percent (100%)
25 of each subsequent monthly pension benefit payable on McAlester's account with the Trust,
26 subject to the Qualified Domestic Relations Order.

1 (9) If Jacob does not survive until the balance of such benefits has been paid in full,
2 then any remaining benefits otherwise payable to Jacob shall be paid in accord with the rules
3 of the Plan.

4 (10) The Trust shall pay nothing to Teresa Ruibal.

5 (11) The Trustees are hereby released, acquitted and discharged from all claims or
6 liability to the defendants in this action, or any of them, except that the Trust shall be obligated
7 to pay the monthly death benefit payments (and all amounts withheld to date), less the
8 amounts set forth in Paragraph 7 above, to the person or persons found to be entitled by this
9 Court.

10 (12) Each defendant shall be, and hereby is, restrained from instituting any action or
11 actions against the Trustees, in any forum, relating to the benefits payable on Johnnie R.
12 McAlester's account from the Operating Engineers Pension Trust, other than to enforce this
13 Judgment.

14 (13) Jacob shall be responsible for any federal and state taxes due upon the amount
15 awarded and/or paid to him pursuant to the Judgment or any order of the Court. It is
16 acknowledged and agreed that the Trust's attorneys' fees and costs retained by the Trust
17 pursuant to paragraph 7 above will be retained from benefits awarded to Jacob and which
18 would otherwise have been paid to Jacob.

19 (14) This Order constitutes a final judgment under the Federal Rules of Civil
20 Procedure.

21 **IT IS SO ORDERED.**

22
23 DATED: 9/29/15



GEORGE H. KING
UNITED STATES DISTRICT JUDGE